

This version of the code is dated April 6, 2022 and reflects the Planning Commission recommendation with some additional edits. Changes recommended by the Planning Commission have been incorporated into this version. Additional edits made since the Planning Commission's recommendation are shown in track changes. Areas of the code that are highlighted in grey indicated sections that are clearly not applicable outside the city limits, inside the Urban Growth Boundary (UGB).

5.11-100 Interpretations

Subsections:

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5.11-105 Purpose

The purpose of an Interpretation is to:

- A.** Consider the applicability of new uses within each zoning district that are not specifically identified in this Code;
- B.** Clarify the meaning of terms or phrases found in this Code; or
- C.** Clarify planning policy contained in this Code, adopted refinement plans or the Metro Plan, or other policy documents.

5.11-110 Authority

The Director shall have the initial authority and responsibility to interpret the appropriateness of new uses and the meaning of all terms and phrases in this Code. The City Council shall have the authority to interpret planning policy contained in this Code, adopted refinement plans or the Metro Plan, or other policy documents.

5.11-115 Review

A request for an Interpretation of this Code concerning new uses and terms and phrases is reviewed under Type 2 procedure, unless the Director determines that the application should be reviewed as a Type 3 decision by the Planning Commission or Hearings Official due to the complexity of the application or the need for discretionary review. Planning policy issues that include, but are not limited to this Code, adopted refinement plans or the Metro Plan is reviewed under Type 4 procedure.

5.11-120 Interpretation of New Uses

- A.** Application Submittal. The request shall include information on the following characteristics of the new use:
- 1.** A description of proposed structures and the operational characteristics of the new use.
 - 2.** Where commercial and industrial uses are involved, the following topics are considered:
 - a.** Emission of smoke, dust, fumes, vapors, odors, and gases;
 - b.** Use, storage and/or disposal of flammable or explosive materials;
 - c.** Glare;
 - d.** Use of hazardous materials that may impact groundwater quality;
 - e.** Noise;
 - f.** The potential for ground vibration; and
 - g.** The amount and type of traffic to be generated, parking required and hours of operation.
 - 3.** Where residential uses are involved, the following topics are considered:
 - a.** Density; and
 - b.** The amount and type of traffic to be generated and parking required.
- B.** Criteria. A new use may be considered to be a permitted use when, after consultation with the City Attorney or other City staff, the Director determines that the new use:
- 1.** Has the characteristics of one or more use categories currently listed in the applicable zoning district;
 - 2.** Is similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking or density; and
 - 3.** Is consistent with all land use policies in this Code which are applicable to the particular zoning district.

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5.11-125 Interpretation of Terms or Phrases

- A.** Application Submittal. The request shall include:
1. The particular term or phrase requiring Interpretation; and
 2. The applicant's statement describing what the particular term or phrase means.
- B.** Criteria. The Director shall interpret a term or phrase, after consultation with the City Attorney and City staff. The meaning of any term or phrase:
1. Shall be consistent with the purpose and intent of this Code, including any Chapter or Section to which the term or phrase is related;
 2. May be determined by legislative history, including staff reports and public hearing tapes and minutes; and
 3. Shall be consistent with any dictionary of common usage, if criteria 1. and/or 2., above cannot be applied.

5.11-130 Interpretations Reviewed Under Type 3 and Type 4 Procedure

- A.** Interpretations that the Director may elevate from a Type 2 to a Type 3 review shall follow the approval criteria specified in either Section 5.11-120 or 5.11-125 depending upon the nature of the interpretation requested. In addition, the Planning Commission or Hearings Official shall consider the Metro Plan and any refinement plans or other policy documents of the City, where applicable.
- B.** The Planning Commission or Hearings Officer, upon a finding in support of a particular Interpretation, shall make a decision and may impose reasonable conditions to ensure compliance with the approval criteria.
- C.** Where there is an Interpretation of planning policy, the matter is forwarded to the City Council:
1. For consideration on the record;
 2. To consider appropriate revisions to this Code to resolve the question; or
 3. To revise or supplement a policy issue.

5.11-135 Effect of a Decision

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An approved Interpretation is effective on the date of approval, unless appealed. An approved Interpretation may be superseded by a subsequent Interpretation or a Code amendment.